Blackwater Bridge Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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[Bill 176.]

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TO

Afford facilities for the Transfer to the Grand Juries of the counties of Cork and Waterford of the bridge across the river Blackwater, near the town of Youghal, and for other purposes relating thereto. A.D. 1873.

WHEREAS by an Act passed in the session of Parliament held in the ninth year of the reign of King George the Fourth, chapter fifty-three, intituled "An Act for the erection of a bridge across the River Blackwater at or near Foxbole and the town of Youghal, in the county of Cork, to the opposite side in the county of Waterford, and for making the necessary approaches thereto" (in this Act referred to as "The Blackwater Bridge Act, 1828"), it was enacted, that certain persons therein named, and their successors to be elected in manner therein mentioned, should be, and they were thereby appointed commissioners for the execution of said Act for making, constructing, and maintaining a bridge over said river, at or near the place aforesaid, with the necessary avenues, approaches, and other works thereby authorised to be executed, and were thereby authorised and empowered by themselves, their deputies, agents, officers, workmen, and servants, to make, complete, and maintain a bridge of stone, timber, iron, or other fit materials across the river Blackwater, at or near a place called Foxhole, in the parish of Saint Mary's, Youghal, in the county of Cork, to the opposite side in the parish of Clashmore, in the county of Waterford, with a drawbridge for the passage of shipping, and also a quay or quays, abutments, and moorings, for the convenience and accommodation of vessels passing the said bridge; also to make and maintain one road of approach from the mail coach road in Muckridge townland to the said bridge, the townland of Youghal, Foxhole, or Muckridge, in the parish of Saint Mary's, Youghal, in the county of Cork aforesaid, one road from the said bridge along the slob or land of the river Blackwater, to the quay called and known by the name of Green's Quay, to Catherine Street in the parish of Saint Mary's, Youghal 9 G. 4. c. 53.

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aforesaid, and one road from the eastern end of the said bridge to or near Pilltown in the parish of Kinsalebeg, and to Summerhill in the parish of Grange and county of Waterford aforesaid, to communicate with the Clashmire and the new Dungarvon roads; and it was thereby further enacted that the right and property of and in the said bridge, and of and in the toll-house, gate, and bars, and all posts, rails, and fences to be erected, set up, and provided in, upon, or near the said bridge or any of them, and of the materials for the same, should be and were thereby vested in the said commissioners and their successors; and it was thereby further enacted that the said commissioners should, as soon as conveniently might be after a passage should be made over the said intended bridge, cause to be erected and set up a turnpike gate or gates, or toll-gate or gates, at or upon the said bridge, or at or upon some or one of the said roads or avenues leading thereto, belonging to the said commissioners, or any part or parts thereof, and from time to time should and might remove the same turnpike or toll-gate or turnpikes or toll-gates, and erect or set up another turnpike or toll-gate, or other turnpikes or toll-gates, in lieu thereof upon any part of the said bridge or roads, and erect and maintain such toll-houses and other conveniences near or adjoining to the said turnpike or toll-gate, as the said commissioners should think proper, and that the respective tolls therein specified should be demanded and taken at the turnpike or toll-gate, turnpikes or toll-gates, to be erected as aforesaid, in the name of or as a pontage toll or duty; and that it should be lawful to and for the said commissioners to reduce or lessen any of the tolls granted and made payable by "The Blackwater Bridge Act, 1828," and also from time to time to advance and raise such tolls, rates, and duties, provided that such tolls should not exceed the tolls thereby authorised; and said Commissioners were also, by "The Blackwater Bridge Act, 1828," empowered to borrow money at interest upon the credit of said tolls, or to borrow money on debentures of one hundred pounds each, repayable with interest at the rate of ten pounds per centum per annum:

And whereas by indenture of mortgage, bearing date the twenty-eighth day of July one thousand eight hundred and thirty, and made between James Ellis Green, Samuel Allen, Benjamin Jackson, and Roger Dartnell, being the major part of the commissioners present that day, who were named and appointed commissioners in and by "The Blackwater Bridge Act, 1828," present at a meeting of the said commissioners, held in pursuance of the said Act at Youghal on the said twenty-eighth day of July one thousand eight

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hundred and thirty, of the one part, and John Galloway, secretary to the commissioners appointed under and by virtue of an Act passed in the session of Parliament held in the fifty-seventh year of the reign of His Majesty King George the Third, intituled "An Act to authorise the issue of Exchequer Bills, and the advance of money out of the Consolidated Fund to a limited amount for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain," and also by virtue of certain other Acts therein referred to, it was witnessed that in consideration of the proposals and agreements therein-before mentioned, and also in consideration of the covenants and agreements therein-after contained, and of the sum of ten thousand pounds sterling, agreed to be advanced to the said bridge commissioners by the said loan commissioners, and in further consideration of the sum of ten shillings they the said bridge commissioners granted, bargained, sold, assigned, transferred, and made over unto the said John Galloway, secretary, in trust for the said loan commissioners, all that and those the said bridge, and all and singular the rates, rents, tolls, duties, and profits so authorised to be raised, levied, collected, and paid by virtue of "The Blackwater Bridge Act, 1828," and all the right, title, and interest of them, said bridge commissioners, to the same; to hold the said bridge, and the rates, rents, tolls, duties, and profits, and all the sums of money payable pursuant to "The Blackwater Bridge Act, 1828," therein recited, unto the said John Galloway, secretary as aforesaid, his executors, administrators, and assigns, for the term of nine hundred and ninety-nine years, upon trust for the said loan commissioners and their successors, subject to the covenant or condition of redemption upon payment of the said sum of ten thousand pounds and interest as therein mentioned:

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57 G. 3. c. 34.

And whereas the said sum of ten thousand pounds was advanced and paid to the said bridge commissioners and applied in the erection of the said bridge and approaches authorised by "The Blackwater Bridge Act, 1828:"

And whereas the said recited mortgage and all moneys secured thereby were afterwards transferred to and became legally vested in the Commissioners of Public Works in Ireland:

And whereas there is now due and owing on foot of the said recited mortgage the principal sum of ten thousand pounds, together with interest thereon, which is the first charge on the said bridge and the tolls thereof:

And whereas the said Commissioners, in pursuance of the powers given by "The Blackwater Bridge Act, 1828," also raised

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a further sum of eight thousand three hundred pounds by debentures, which said last-mentioned sum together with an arrear of interest is still due and owing on the security of the tolls of the said bridge:

And whereas an Act was passed in the session of Parliament held in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled "An Act for the more "effectually providing for the Erection of certain Bridges in Ire- "land," which Act was amended by another Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and amend the "provisions of the Acts for the extension and promotion of public "works in Ireland; and for the recovery of public moneys ad- "vanced for the use of counties, parishes, and other districts in "Ireland, on the faith of grand jury presentments and parochial "assessments:"

4 & 5 W. 4. c. 61.

2 & 3 Vict. c. 50.

And whereas the said Acts were further amended by an Act passed in the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, intituled "An Act "to afford further facilities for the erection of certain bridges in "Ireland" (which last-mentioned Act is in this Act referred to as "the Bridges Acts"), provision was made enabling grand juries to purchase or take any property in any bridge or ferry, or in the tolls thereof, which might be necessary for the purposes of the said Acts, and for making presentment for the moneys requisite therefor:

And whereas by an Act passed in the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, intituled "An Act to authorise the Commissioners "of Her Majesty's Treasury to compound the public debt due by "the commissioners of the bridge across the River Blackwater, "near the town of Youghal, in the county of Cork, and for the "transfer of the said bridge to the Grand Juries of the counties of "Cork and Waterford; and for other purposes relating thereto," (in this Act referred to as "The Blackwater Bridge Act, 1867,") it was enacted that whenever for the purpose of repairing the said bridge, and opening the same free from toll, the grand juries of the said counties of Cork and Waterford should, under the provisions of any Act or Acts them in that behalf enabling, proceed to purchase or take the property of the commissioners under the said Blackwater Bridge Act, 1828, or of any other person in the said bridge, and the tolls thereof, and such property should have been purchased or taken subject to the rights of the said Commissioners of Public Works in respect of the said mortgage debt and the interest

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due on foot thereof secured by the said indenture of the twenty-eighth day of July one thousand eight hundred and thirty, it should be lawful for the Commissioners of Her Majesty's Treasury to compound the said mortgage debt and the interest due on foot thereof at and for the sum of two thousand five hundred pounds, and upon payment of the said sum of two thousand five hundred pounds to the said Commissioners of Public Works, the residue of the term of nine hundred and ninety-nine years created by the said indenture should be vested in the said Commissioners of Public Works, upon trust to transfer the said bridge to the said grand juries of the counties of Cork and Waterford for the purposes aforesaid, and the passage of the said bridge should be open and free to all persons, carriages, cattle, and animals whatsoever:

And whereas notwithstanding the provisions of "The Blackwater Bridge Act, 1867," the said grand juries have not acted in the execution of the Bridges Act, and have not proceeded to repair and open the same toll free:

And whereas by reason of the insufficiency of the tolls of the said bridge, not only for payment of the interest of the said debts, but also to preserve the said bridge and its approaches in proper repair, the said bridge is in a ruinous and dangerous condition, and consequently the security for the said debts and interest will be wholly lost:

And whereas it would be a great advantage to the public if the said bridge and the approaches thereto were rebuilt or repaired, and the said bridge were opened free from toll, at the joint expense of the said counties of Cork and Waterford, between which the same is situate:

And whereas to facilitate the transfer of the property of the commissioners, under "The Blackwater Bridge Act, 1828," or of any other person in the said bridge; and the tolls thereof to the grand juries of the said counties of Cork and Waterford, or to some person on their behalf, for the purposes aforesaid, it is expedient to enable the Commissioners of Her Majesty's Treasury to compound or otherwise deal with the said mortgage debt, and the interest due on foot thereof, and also to make such provisions in respect of all other debts due by the said Commissioners, under the authority of "The Blackwater Bridge Act, 1828," as are in this Act contained:

And whereas a Bill is now pending in Parliament, intituled "A "Bill to amend an Act passed in the session of Parliament held in "the thirtieth and thirty-first years of the reign of Her present "Majesty, intituled 'An Act to authorise the Commissioners of

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" ' Her Majesty's Treasury to compound the public debt due by " ' the commissioners of the bridge across the River Blackwater, " ' near the town of Youghal, in the county of Cork, and for the " ' transfer of the said bridge to the Grand Juries of the counties of " ' Cork and Waterford; and for other purposes relating thereto,' " the short title of which will be and is herein-after referred to as " The Blackwater Bridge (Treasury) Act, 1873 :"

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as " The Blackwater Bridge Act 1873."

Incorporation of Act.

2. The Blackwater Bridge (Treasury) Act, 1873, shall be incorporated with and form part of this Act.

Valuation of bridge property.

3. Whenever for the purpose of repairing or rebuilding the said bridge across the river Blackwater at or near Foxhole and the town of Youghal. and opening the same free from toll, the grand juries of the said counties of Cork and Waterford shall, under the provisions of any Act or Acts them in that behalf enabling, proceed to purchase or take the property of the Commissioners under " The Blackwater Bridge Act, 1828," or of any other person in the said bridge, and the tolls thereof, the valuator appointed under the provisions of the Bridges Act in estimating and awarding the value of such property and the purchase money and compensation to be paid for the same, shall proceed as follows : he shall estimate the value of the materials of which the said bridge, and the toll-house, gate, bars, and all posts, rails, and fences appertaining to the same are composed, and he shall set forth in his award the price to be paid for the said materials, and such price as stated in such award, or if such award is appealed against under the provisions of the Bridges Act such price as is awarded on such appeal shall, for the purposes of the Bridges Act and of this Act, be deemed to be and shall be the amount to be paid as the price and compensation for the purchase and taking of such property as aforesaid.

Payment of purchase money.

4. The amount so ascertained and awarded shall be paid in the manner provided by the Bridges Act with respect to the purchase-

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money or compensation coming to parties having limited interests, or prevented from treating or not making title.

Application of balance of purchase money.

5. When the amount payable under this Act to the Commissioners of Her Majesty's Treasury has been paid the balance (if any) remaining after such payment shall be divided rateably amongst the several persons to whom any mortgages, debentures, or debts are due by the said commissioners under the authority of "The Blackwater Bridge Act, 1828."

Transfer of bridge property.

6. When the amount so ascertained and awarded has been paid, as by this Act directed, all mortgages, debentures, and debts then due by the commissioners under the authority of "The Blackwater Bridge Act, 1828," shall be extinguished and the residue of the term of nine hundred and ninety-nine years created by the said indenture of the twenty-eighth day of July one thousand eight hundred and twenty-eight shall be vested in the said Commissioners of Public Works upon trust to transfer the said bridge and all works appurtenant thereto, and all property vested in the commissioners under the Bridge Act, 1828, to the said grand juries of the said counties of Cork and Waterford for the purposes aforesaid; and the passage of the said bridge when constructed and completed shall be open and free to all persons, carriages, cattle, and animals whatsoever.

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Blackwater Bridge.

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To afford facilities for the transfer to the grand juries of the counties of Cork and Waterford of the bridge across the river Blackwater, near the town of Youghal; and for other purposes relating thereto.

(*Prepared and brought in by Mr. Montague Guest and Sir John Esmonde.*)

Ordered, by The House of Commons, *to be Printed,* 26 *May* 1873.

[Bill 176.]

Under 2 *oz.*

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